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PATENT
Attorney Docket No.: 16869P-096400US
Client Ref. No.: 340300387US1

On 3/25/05
By: TOWNSEND and TOWNSEND and CREW LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kenichi Kihara et al.

Application No.: 10/826,476

Filed: April 16, 2004

For: Control System and Method for
Management Items

Customer No.: 20350

Confirmation No. 1514

Examiner: unassigned

Technology Center/Art Unit: 2171

PETITION TO MAKE SPECIAL FOR
NEW APPLICATION PURSUANT TO
37 C.F.R. § 1.102(d) &
M.P.E.P. § 708.02, Item VIII,
ACCELERATED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a petition to make special the above-identified application in accordance with MPEP § 708.02, Item VIII, accelerated examination. The application has not received any examination by the Examiner.

(A) The Commissioner is authorized to charge the petition fee of \$130 under 37 C.F.R. § 1.17(h), and any additional fees that may be associated with this petition may be charged to Deposit Account No. 20-1430.

(B) All the claims are believed to be directed to a single invention. If the examiner determines that all the claims presented are not obviously directed to a single invention, then Applicant will make an election without traverse as a prerequisite to the grant of special status where the specific grouping of claims will be determined by the examiner.

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(C) A pre-examination search was performed by an independent patent search firm. A copy of the search report is provided herewith as Exhibit A. The pre-examination search includes a classification search, a computer database search, and a keyword search. The searches were performed on or around September 15, 2004, and were conducted by a professional search firm, Kramer & Amado, P.C. The classification search covered Class 707, subclass 200 (U.S. & Foreign); Class 709, subclasses 203 (U.S. & Foreign), 208 (U.S. & Foreign), 223 (U.S. & Foreign) and 224 (U.S. & Foreign); and Class 711, subclasses 113 (U.S. & Foreign) and 114 (U.S. & Foreign); and a literature search was also conducted on the Internet and commercial databases for relevant non-patent documents. Further, Examiner Thuy Pardo in Class 707 (Art Unit 2165) was consulted in confirming the field of search.

An IDS was submitted at the time of filing the application, identifying three Japanese references. The following references were identified in the search report and in the IDS:

- (1) U.S. Patent Nos.:

6,314,446	to Stiles
6,425,006	to Chari et al.
6,505,245	to North et al.
6,532,491	to Lakis et al.
6,769,022	to DeKoning et al.

- (2) U.S. Patent Application Publication Nos.:

2003/0191836	to Murtha et al.
2003/0204583	to Kaneda et al.
2004/0128443	to Kaneda et al.
2004/0148385	to Srinivasan et al.
2004/0158656	to Fujibayashi et al.
2004/0210791	to Akagawa et al.
2004/0225689	to Dettinger et al.

(3) Foreign Patent Nos.:

EP 0697655 to Bibayan
JP 2000-222316 to Senboku et al. (submitted in IDS)
JP 2000-250833 to Takahashi et al. (submitted in IDS)
JP 2000-311140 to Kubota (submitted in IDS)
(also identified as JP Application No. 11119662)
JP 06-301436 to Someya et al.

(4) Literature

“Health Monitoring Module,” Sun Microsystems, December 2004

(D) The above references are enclosed herewith, collectively as Exhibit B.

(E) Set forth below is a detailed discussion of the references, pointing out with particularity how the claimed subject matter recited in the claims, as amended in the accompanying preliminary amendment, is distinguishable over the references.

Claimed Subject Matter of the Present Invention

The present invention as recited in the pending claims is directed to a management item management system. The system manages management items with respect to management targets retained by an operations management module. The operations management module operates and manages the management targets in a computer system. As recited in claim 1, for example, the management item management system comprises an operations management information module configured to accumulate operations management information that identifies management targets and operations management modules managing the management targets in the computer system. There is a display module to display management targets. A selection module configured to select, in response to a user, operations management information corresponding to a displayed management target. The operations management information identifies management items.

U.S. Patent No. 6,314,446 to Stiles

The reference to Stiles shows a system and method for displaying the status of tasks or processes in a computer system. The method displays the resulting status to the user in an intuitive manner with four configurations indicating: process running normally, process running intermittently, process stopped normally, and process halted unexpectedly.

A method for monitoring tasks in a computer does not describe accumulating operations management information that includes a management target. Stiles does not show displaying a management target and then selecting the corresponding operations management information. Stiles does not show that the selection is performed in response to a user instruction

U.S. Patent No. 6,425,006 to Chari et al.

Chari et al. describe a system for creating and monitoring alerts for one or more computers. An operator is alerted when an event occurs in one of the computers. This includes displaying information about the computer, the time, and so on. Log files are also created. The figures show various displays including a display for managing alerts (Fig. 4A) and a display for alert notification (Fig. 5).

The figures as discussed in the reference do not show accumulating operations management information that includes a management target. Chari et al. do not show displaying a management target and then selecting the corresponding operations management information. They do not show that the selection is performed in response to a user instruction.

U.S. Patent No. 6,505,245 to North et al.

North et al. describe remote control access of a computer or many computers. An interface is provided that allows users to remotely manage the computers. Event detection is provided. Fig. 7 shows a login display. Fig. 9 shows a configuration interface. Figs. 11 and 12 show displays for modifying user information. Figs. 13-17 show displays relating to events. Figs. 18 and 19 show screens relating to log files.

The figures as described do not appear to show accumulating operations management information that includes a management target. The figures do not show displaying

a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

U.S. Patent No. 6,532,491 to Lakis et al.

Lakis et al. disclose a technique for managing network devices. A network device is associated with a unit of first management information. A request is issued to a first computer from a second computer to access the unit of first management information associated with the network device. A first data structure is created for storing a unit of first device information for each such network device. The first data structure is searched for a unit of first device information associated with the network device. The unit of first device information is used to locate the unit of first management information of its corresponding network device.

Lakis et al. do not describe accumulating operations management information that includes a management target. They do not show displaying a management target and then selecting the corresponding operations management information in response to a user instruction.

U.S. Patent No. 6,769,022 to DeKoning et al.

DeKonning et al. describe a technique for managing heterogeneous storage devices. They describe a system for monitoring and managing devices on network having one or more managed devices connected to the network. The system includes a management station in communication with each of the managed devices across the network. When a user wishes to monitor, configure, or manage one of the managed devices on the network, the user selects the device to be managed and the management station retrieves a device management application program associated with the selected managed device. *Abstract.*

DeKonning et al. do not describe accumulating operations management information that includes a management target. DeKonning et al. do does not show displaying a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

U.S. Publication No. 2003/0191836 to Murtha et al.

Murtha et al. show a system including a projector manager linked to a computer network, wherein the projector manager is configured to monitor over the network a status of a selected feature of a selected projector device, and to change the status of the selected feature when requested. The system also includes a projector manager controller linked to the computer network, wherein the projector manager controller is configured to request the projector manager to perform at least one of the functions of reporting the status of the selected feature and requesting the selected projector device to change the status of the selected feature.

Murtha et al. do not describe accumulating operations management information that includes a management target. They do not show displaying a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

U.S. Publication No. 2003/0204583 to Kaneda et al.

Kaneda et al. shows a operation management system comprising an integrated management apparatus for the integrated management depending on the result of realization of a plurality of management functions and the integrated management apparatus also comprises an interface to receive the result of realization of the management function from the management apparatus depending on the standard protocol between the management apparatus and integrated management apparatus.

Kaneda et al. do not appear to describe accumulating operations management information that includes a management target. They do not show displaying a management target and then selecting the corresponding operations management information. Further, they do not show that the selection is performed in response to a user instruction

U.S. Publication No. 2004/0128443 to Kaneda et al.

Kaneda et al. describe a data storage apparatus that includes a management unit capable of sending to a computer a response for recognizing a virtual drive unit capable of treating the storage volume that is non-removable as a removable storage medium, and a storing

unit for storing volume management information indicating the correspondent relationship between a virtual drive unit and a storage volume. *Abstract.*

This reference does not describe accumulating operations management information that includes a management target. The reference does not show displaying a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

U.S. Publication No. 2004/0148385 to Srinivasan et al.

The reference to Srinivasan et al. describes an event monitoring technique for monitoring events in a remote computer. As can be seen in Fig. 1, the monitoring system also includes a transmission system for notifying a support specialist over a network connection of a hardware event or software event detected by the event monitoring module. As can be seen in Fig. 2, the monitoring system includes a graphical user interface to allows a user of the remote computer to make selections as to which software services and hardware events are to be detected.

Srinivasan et al. do describe accumulating operations management information that includes a management target. They show that a user can select the events in a system for detection. Srinivasan et al. do not show displaying a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

U.S. Publication No. 2004/0158656 to Fujibayashi et al.

This reference is assigned the Assignee of the instant application. Fujibayashi et al. disclose a storage system in which disk controllers are connected to a common network to provide scalable storage. *Paragraph [0009]*. Access status is monitored and a recommendation is made to an upper class device connected to use an optimum path, based on the access information extracted. Information for recommending to move or copy a logical volume is displayed or notified, to the system manager. *Paragraph [0012]*.

Fujibayashi et al. do not describe accumulating operations management information that includes a management target. They do not show displaying a management target and then selecting the corresponding operations management information. Fujibayashi et al. describe displaying to an administrator storage performance information and recommendations relating to storage performance. See, for example, Figs. 7 and 9-12. Also, they do not show that the selection is performed in response to a user instruction

U.S. Publication No. 2004/0210791 to Akagawa et al.

Akagawa et al. show a management program connected to one or more memory devices, to one or more host computers and to a connection device having a plurality of interfaces and a control unit that inputs and outputs information among the interfaces based on the passage control information defining the input and output among the interfaces. In case a fault has occurred in a volume, fault information is notified to only those host computers that are permitted to access the volumes and that have a passage between the volumes and the host computers. *Paragraphs [0008]-[0010]*.

Akagawa et al. do not describe accumulating operations management information that includes a management target. They do not show displaying a management target and then selecting the corresponding operations management information. They do not show that the selection is performed in response to a user instruction

U.S. Publication No. 2004/0225689 to Dettinger et al.

Dettinger et al. describe a method for autonomic logging support to manage events occurring in a data processing system. Events can be identified by an importance level. When an event occurs, certain action is performed based on its associated importance level. *Abstract*.

Fig. 3 shows the process flow for detecting and logging an event. Here, events are associated with predetermined parameters. If the event occurs and the parameter exceeds a threshold, a predetermined action can be taken. *Paragraph [0046]*. Fig. 4 shows how a

predetermined action can be selected. Fig. 5 shows an example where logging of the event is performed if its importance level exceeds a threshold.

Dettinger et al. do not describe accumulating operations management information that includes a management target. Instead, they disclose detecting events and taking action on a detected event. They do not show displaying a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

EP Publication No. EP 0697655 to Bibayan

Bibayan discloses a management system that works in conjunction with a client application to manage external application programs. The management system invokes multiple instances of the client application to track and otherwise manage the external programs. The client application can create “compound documents” which constitute data from various other programs. Figs. 1(a) to 1(c) show examples of such documents and how they might appear to a user. *Paragraphs [0001] and [0002]*.

The management system coordinates the activity between external applications which provide the constituent data in compound document when the external applications are invoked by the client application. This avoids having to provide specialized communication between the client and the external applications. *Paragraph [0010]*.

Bibayan does not describe accumulating operations management information that includes a management target. Bibayan does not show displaying a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

Japanese Publication No.: 2000-222316 to Senboku et al. (submitted in IDS)

As best understood, this reference seems to disclose a method that enables different management tools to be handled in a uniform manner. Differences in the tools’ functions are hidden from the user. A user request to perform a function using a specified tool

("outside instruction") is received. The system converts the requested function to commands suitable to the specified tool to perform the requested function.

This reference does not describe an aspect of the present invention which includes accumulating operations management information that includes a management target. In addition, the reference does not show another aspect of the invention as recited in the pending claims which includes displaying a management target and then selecting the corresponding operations management information in response to a user instruction.

Japanese Publication No.: 2000-250833 to Takahashi et al. (submitted in IDS)

This reference is assigned to the Assignee of the instant application. As best understood, the reference describes a centralized management system where plural servers 20(, 30, 40) each collect log data. A managing server (10) distributes defined managing items and conditions thereof to the servers (20, 30, 40) and collects information from the log data relevant to the managed items.

The reference does not describe accumulating operations management information that includes a management target. The reference does not show displaying a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

Japanese Publication No.: 2000-311140 to Kubota (submitted in IDS)

This reference is also identified as JP Application No. 11119662. As best understood, this reference seems to describe a technique to improve data operations such as deleting, moving, or copying among groupware and various applications independent of the data source. A resource managing part (12) manages data from the various applications. When a request for operation on the data is received, a processing request part (30) acquires information from a server (20) and a resource management part (40), and outputs a processing request to a resource management part identified in the acquired information.

The reference does not describe accumulating operations management information that includes a management target. The reference does not show displaying a management target and then selecting the corresponding operations management information in response to a user instruction.

Japanese Publication No.: 06-301436 to Someya et al.

This reference is assigned to the Assignee of the instant application. As best understood, the reference describes centralized operation of control by integrating existing tools and providing functionality via an interface that hides the differences in functionality among the existing tools.

The reference does not describe accumulating operations management information that includes a management target. The reference does not show displaying a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

“Health Monitoring Module”, Sun Microsystems, December 2004


This reference discloses a health monitoring module. Fig.1 shows a display of critical events and status information. Configuration information is displayed in detailed information tables as shown in Fig. 2. Other configuration information is shown in Figs. 3 and 4.

The figures, however, do not show accumulating operations management information that includes a management target. The figures do not show displaying a management target and then selecting the corresponding operations management information, or that the selection is performed in response to a user instruction.

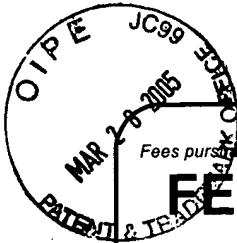
Conclusion

In view of this comments presented in the instant petition and the claim amendments presented in the accompanying preliminary amendment, the Examiner is respectfully requested to issue a first Office Action at an early date.

Respectfully submitted,


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Attachments
GBFY
60434602 v1



Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130**Complete if Known**

Application Number	10/826,476
Filing Date	April 16, 2004
First Named Inventor	KIHARA, Kenichi
Examiner Name	Unassigned
Art Unit	2171
Attorney Docket No.	16869P-096400US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES Small Entity		SEARCH FEES Small Entity		EXAMINATION FEES Small Entity		Fees Paid (\$)
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____ -20 or HP = _____ x _____ = _____						
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
_____ -3 or HP = _____ x _____ = _____						
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee**Fees Paid (\$)**130**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	37,478	Telephone	650-326-2400
Name (Print/Type)	George B. F. Yee			Date	March 25, 2005